

Dealt with by: Environmental Health

Our Ref: SMD/2021/0174

Direct Dial:

Your Ref: SMD/2021/0174

Email:

Date: 14th July 2021

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

Land at
Teanford Mill Breach Lane
Upper Tean

PROPOSED DEVELOPMENT

Erection of detached dwelling with demolition of structures and buildings

Potential Areas of Environmental Concern.

1. Construction Impacts
2. Land Contamination (Historical use)
3. Lighting (Condition)

General Comments

Contamination: The site has been in industrial use for over 150 year, as a flint mill, dye works, concrete works and general building works . The application is supported by a desktop review of the contamination issues (Ref CW/SRL1319) Letter Report Phase1 Contamination by Strat Renewables.

This letter report uses the phase one desk study produced by GIP used for the previous development at the site/complex (Ref: SMD/2017/0091). It does not refer to the Phase 2 that identified contamination in the made ground (Arsenic and lead) , and some gas generation (or the accompanying Remediation Strategy****)

The phase one report is a simple report that identifies that the site sits over the infilled former mill pond. It also likely occupies part of the former dye works (not specifically noted). This desktop aspect of the report is accepted.

The report also attributes a likely risk scale to aspects of the likely contamination this but this is merely speculative at this stage as the material used to fill the mill pond are not known (not agreed). There is also a note regarding the number of proposed samples and that 2 phases of intrusive investigation will be required. This is agreed, however, it is assumed that the proposed samples will be increased in phase 2 as the current number proposed is considered insufficient in isolation. Further justification of sample location will also be required.

Update 30/7/2021

An additional ground investigation report has been submitted in support of the investigation (Ref SRL1319). The report concludes remediation will be required, due to asbestos fibres and elevated lead & proposes a simple remediations strategy (engineered cover system).

Whilst the engineered cover system may form part on appropriate future remediation strategy the report is seen as a preliminary investigation. It is not yet considered that enough information has currently been presented to either demonstrate that the most appropriate sample locations have been targeted or that enough samples have been taken to draw any meaningful conclusions.

Essentially only 3 locations within the development have been targeted (TP2, TP4 & TP6) with any meaningful contamination (not geotechnical!) analysis. It is also not clear why particular analysis was undertaken at a particular locations. This should relate back to a clear conceptual site model (note desktop study published after intrusive investigation took place?). It is noted that this is to assess the contents of the fill. That is certainly appropriate but the analysis undertaken on 2 samples at a maximum depth of 150cm is not sufficient to assess this

e.g Analysis undertaken

- TP01 Asbestos only
- TP02 (15cm) Asbestos Heavy metals PH, PAH
- TP04 (50cm) Asbestos Heavy metals PH, PAH (near property)
- TP04; (110cm) Asbestos Heavy metals PH, PAH
- TP06 (150cm) Asbestos Heavy metals PH, PAH
- WP01 (?) (30cm) VOC
- WP02 (30cm) VOC
- TP03 PH
- BH3 (Water)

This is of particular significant for the protection of controlled waters, because currently the proposal is to cap the site, thus leaving what is there on site. Whilst a cap breaks the pathway and can protect human health, it is less effective in protecting controlled water receptors.

A condition requiring further risk assessment of the likely contamination is recommended.

It should be noted the site (part of the site) is extremely close to the river Tean and on a source protection zone. Therefore, comments on the risks from contamination to controlled waters should be sought from the Environment Agency

**** In addition to the above it should be noted that I have no record of receiving the validation report (or it being discharges) with regard to SMD/2017/0091 (DOC/2017/0074). Located adjacent to this part of the industrial site. This would be worth addressing with the developer, because if we not receive this information, any occupation of this property without validated of the approved remediation may mean the site qualifies as contaminated land in accordance with P2A of the EPA. 1990.

Nuisance: In order to protect the night time and week end amenity of the area all noisy workings should be restricted to the time set out in condition. A scheme for demolition and construction should be submitted for approval prior to work commencing at the site.

If consent is granted the following conditions are recommended:

Recommendation and Conditions

The Environmental Health Department have no objection subject to the following conditions being applied to any permission granted.

1. Construction & Demolition Works: Time of operations

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Construction & Demolition: Construction Method Statement

2. The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

- I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
- III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
- IV. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.
- V. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- VI. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: *To protect the amenities of the area*

3. Contamination

No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

- a. A further site investigation , based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.
- b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria
- c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- d. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. Contamination Validation

Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

5. Soil Importation

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 3-5):- *To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.*

Lighting

6. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: *To protect the local amenities of the local residents by reason of excess of illuminance*

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance
- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
 - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
 - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

Regards,

Environmental Health